

Federal Defenders OF NEW YORK, INC.

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December 7, 2021

By ECF and Email

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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**Re: United States v. Pedro Davila
19 Cr. 706 (ALC)**

Dear Judge Carter:

I write on behalf of my client, Pedro Davila, to respectfully request that the Court enter an order granting his temporary release for a mere **ten hours** on Thursday, December 9, 2021, so that Mr. Davila can attend his grandmother's funeral. Temporary release on bail is warranted under the Bail Reform Act because of a dramatic and unexpected change in personal circumstances related to Mr. Davila's family. *See* 18 U.S.C. § 3142(i).

Status of the Case

Pedro Davila is charged with (1) conspiracy to commit robbery, 18 U.S.C. § 1951, (2) robbery, 18 U.S.C. § 1951 and 2, and (3) possession of a firearm in relation to a crime of violence, in violation of 18 U.S.C. § 924(c). Mr. Davila was arrested on September 17, 2019, and has been detained since that date. Mr. Davila is currently detained at the MDC.

Temporary Release is Authorized by the Bail Reform Act

Even after a person has been ordered detained, the Bail Reform Act provides for the "temporary release" of a person in pretrial custody "to the extent that the judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason." 18 U.S.C. § 3142(i).

New Family Circumstances Warrant Temporary Release

The sudden death of Mr. Davila's grandmother, a parental figure very dear to Mr. Davila, is the *compelling reason* that justifies the temporary release on bail. Ms. Nilda Figueroa passed away on November 30, 2021 at Mt. Sinai Hospital, after unexpected heart failure. Mr. Davila's family has scheduled a funeral service for this Thursday, December 9, 2021, at 1 pm at the Manhattan Funeral Service, LLC, located at 300 East 104th Street, New York, NY 10029. The funeral home is located approximately one hour from the MDC by either public transportation or car ride. Temporary release for ten hours would allow Mr. Davila to attend the funeral, mourn with his family, and travel between the MDC and the funeral home.

Proposed Conditions of Release

Mr. Davila requests his temporary release pursuant to the following conditions:

- Travel restricted to the area of 300 East 104th Street, New York, NY, and any ordinary stopovers or points on a direct route to or from that destination;
- Temporary release restricted to December 9, 2021, from 9 am – 7 pm;
- Any other reasonable condition that the Court deems appropriate.

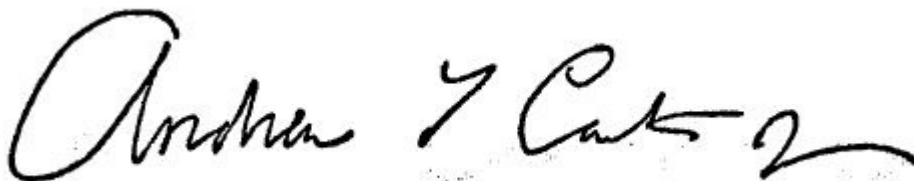
Respectfully submitted,



Tamara L. Giwa
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Cc: AUSA Alexander Li (via ECF and Email)
AUSA Christopher Clore (via Email)

The application is **DENIED**.
So Ordered.



12/8/21